

## ENROLLED ORIGINAL

AN ACT  
D.C. ACT 17-131IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
OCTOBER 17, 2007*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2008 Winter  
Supp.West Group  
Publisher

To amend the Homestead Housing Preservation Act of 1986 to allow proposals to develop homestead properties submitted by for-profit developers to be considered by the Administrator; provided, that 100% of the units are affordable to low- and moderate-income persons with at least 50% affordable to low-income persons.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Homestead Housing Preservation Amendment Act of 2007".

Sec. 2. Section 7(a)(3) of the Homestead Housing Preservation Act of 1986, effective August 9, 1986 (D.C. Law 6-135; D.C. Official Code § 42-2106(a)(3)), is amended by striking the phrase "non-profit developers" and inserting the phrase "nonprofit developers, and for-profit developers who agree to make 100% of the units affordable to low- and moderate-income persons with no less than 50% of the units affordable to low-income persons," in its place.

Amend  
§ 42-2106

Sec. 3. Fiscal impact statement.

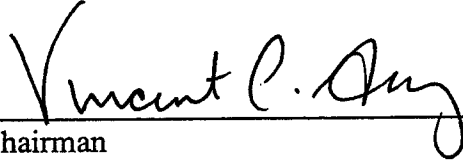
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

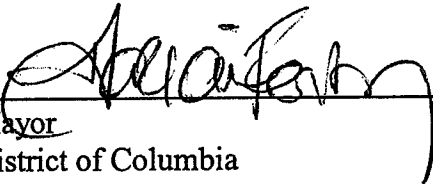
Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

## ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

  
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Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
October 17, 2007

## ENROLLED ORIGINAL

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D.C. ACT 17-132IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
OCTOBER 17, 2007*Codification  
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To amend the Human Rights Act of 1977 to include breastfeeding as part of the definition of discrimination on the basis of sex, to ensure a woman's right to breastfeed in any location where she has the right to be with her child, public or private, to require employers to provide reasonable daily unpaid break periods and a sanitary location so that breastfeeding mothers are able to express breast milk for their children, and to require the Department of Health to monitor breastfeeding rates in the District of Columbia and the number and nature of complaints regarding violations of this act received by the Office of Human Rights.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Child's Right to Nurse Human Rights Amendment Act of 2007".

Sec. 2. The Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 *et seq.*), is amended as follows:

(a) Section 105 (D.C. Official Code § 2-1401.05) is amended as follows:

Amend  
§ 2-1401.05

(1) The section heading is amended by striking the phrase "or related medical conditions" and inserting the phrase "related medical conditions, or breastfeeding" in its place.

(2) Subsection (a) is amended by striking the phrase "or related medical conditions" and inserting the phrase "related medical conditions, or breastfeeding" in its place.

(3) Subsection (b) is amended by striking the phrase "or related medical conditions" and inserting the phrase "related medical conditions, or breastfeeding" in its place.

(b) Title II is amended by adding a new part I to read as follows:

"PART I – Breastfeeding Mothers

"Sec. 281. Findings and purposes.

New  
§ 2-1402.81

"(a) The Council finds that:

"(1) The encouragement of a public acceptance of breastfeeding is consistent with the promotion of family values between a mother and her child and no mother should be made to feel incriminated or socially ostracized for breastfeeding her child.

"(2) Breastfeeding a baby constitutes a basic act of nurturing to which every mother and child has a right and which should be encouraged in the interests of maternal and child health.

## ENROLLED ORIGINAL

“(3) Breastfeeding provides significant health benefits to both the mother and child. Breastfeeding provides maternal protection from breast cancer, osteoporosis, urinary tract infections, and other cancers. Studies indicate that if every mother in the United States breastfed their children for 2 years, breast cancer could decline by 25%.

“(4) Social constraints of modern society weigh against the choice of breastfeeding and often result in new mothers opting to choose formula feeding to avoid embarrassment, social ostracism, or criminal prosecution.

“(5) Studies show that babies who are not breastfed have higher rates of death, meningitis, childhood leukemia and other cancers, diabetes, respiratory illnesses, bacterial and viral infections, diarrhoeal diseases, otitis media, allergies, obesity, and developmental delays. Breastfeeding may also raise a baby's intelligence quotient.

“(6) To attain an optimal, healthy start in life, the Surgeon General of the United States and the American Academy of Pediatrics recommend that babies from birth to at least one year of age be breastfed unless medically contraindicated. In addition, the World Health Organization and UNICEF have established the encouragement of breastfeeding as one of their major goals for the decade.

“(7) Despite these recommendations, statistics reveal a declining percentage of mothers are choosing to breastfeed their children. Nearly 50% of all new mothers are now choosing formula over breastfeeding before they leave the hospital, only 20% are still breastfeeding when their babies are 6 months of age, and only 6% are still breastfeeding when their babies are one year of age.

“(b) This part has the following purposes:

“(1) To increase the incidence and duration of breastfeeding as a goal for optimal maternal and child health and nutrition;

“(2) To enable women who so choose to freely breastfeed their children so that infants may be fed exclusively on breast milk from birth to 4 to 6 months of age;

“(3) To further enable women to breastfeed while giving appropriate and adequate complementary foods to children for up to 2 years of age or beyond; and

“(4) To create an appropriate environment of awareness and support so that women can breastfeed and thereby achieve an ideal child nutrition option.

“Sec. 282. Rights of breastfeeding mothers.

“(a) For the purposes of this section, the term:

“(1) “Reasonable efforts” means any effort that would not impose an undue hardship on the operation of an employer's business.

“(2) “Undue hardship” means any action that requires significant difficulty or expense when considered in relation to factors such as the size of the business, its financial resources, and the nature and structure of its operation.

“(b) It shall be an unlawful discriminatory practice to deny a woman any right provided under this section.

–“(c)(1) A woman shall have the right to breastfeed her child in any location, public or private, where she has the right to be with her child, without respect to whether the mother's

New  
§ 2-1402.82

## ENROLLED ORIGINAL

breast or any part of it is uncovered during or incidental to the breastfeeding of her child.

“(2) Notwithstanding any other provision of District of Columbia law governing indecent exposure or the definition of the private or intimate parts of a female person, including that portion of the breast that is below the top of the areola, a woman shall have the right to breastfeed in accordance with this section.

“(d)(1) An employer shall provide reasonable daily unpaid break periods, as required by the employee, so that the employee may express breast milk for her child to maintain milk supply and comfort. If any break period, paid or unpaid, is already provided to the employee by the employer, the break period required shall run concurrently with the break periods already provided. Notwithstanding the foregoing, an employer shall not be required to provide break periods if it would create an undue hardship on the operations of the employer.

“(2) An employer shall make reasonable efforts to provide a sanitary room or other location in close proximity to the work area, other than a bathroom or toilet stall, where an employee can express her breast milk in privacy and security. The location may include a childcare facility in close proximity to the employee's work location.

“Sec. 283. Duties of the Department of Health.

New  
§ 2-1402.83

“The Department of Health shall monitor breastfeeding rates in the District of Columbia, the number and nature of complaints regarding violations of this part received by the Office of Human Rights, and any benefits reported by working breastfeeding mothers and employers to the Department of Health. The Department of Health shall issue annual reports of its findings to the Council.”.

Sec. 3. Fiscal impact statement.

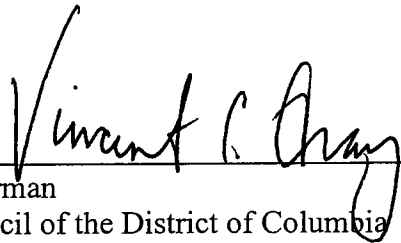
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

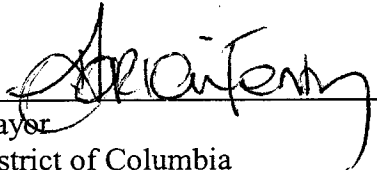
Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

  
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Chairman  
Council of the District of Columbia

  
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Mayer  
District of Columbia  
APPROVED  
October 17, 2007

## ENROLLED ORIGINAL

## AN ACT

D.C. ACT 17-133IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
OCTOBER 17, 2007Codification  
District of  
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2001 Edition

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To amend the International Banking Act of 2000 and the District of Columbia Regional Interstate Banking Act of 1985 to modernize the chartering of banks in the District.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Bank Charter Modernization Amendment Act of 2007".

Sec. 2. Section 7 of the International Banking Act of 2000, effective April 3, 2001 (D.C. Law 13-268; D.C. Official Code § 26-636), is amended as follows: Amend § 26-636

(a) Subsection (d) is amended to read as follows:

"An application filed under this section shall be subject to the application review procedures contained in section 5(a), (b), and (g) of the District of Columbia Regional Interstate Banking Act of 1985, effective November 23, 1985 (D.C. Law 6-63; D.C. Official Code § 26-704(a), (b), and (g))."

(b) A new subsection (e) is added to read as follows:

"(e) The Commissioner shall submit an annual report to the Council of all actions that the Commissioner takes pursuant to this section."

Sec. 3. The District of Columbia Regional Interstate Banking Act of 1985, effective November 23, 1985 (D.C. Law 6-63; D.C. Official Code § 26-701 *et seq.*), is amended as follows:

(a) Section 3(b) (D.C. Official Code § 26-702.01(b)) is amended as follows: Amend § 26-702.01

(1) Paragraph (20) is amended by striking the phrase "and" at the end of the paragraph and inserting a semicolon in its place.

(2) Paragraph (21) is amended by striking the period at the end of the paragraph and inserting the phrase "and" in its place.

(3) A new paragraph (22) is added to read as follows:

"(22) Submit an annual report to the Council of all actions that the Commissioner takes pursuant to this section."

(b) Section 5 (D.C. Official Code § 26-704) is amended as follows:

(1) Subsection (b) is amended as follows:

(A) Paragraph (2) is amended to read as follows:

"(2) The Commissioner shall either approve or disapprove the application and explain the reasons for the decision. An application required by this section shall not be complete unless it is accompanied by an application fee in an amount to be established by the Commissioner and made payable to District of Columbia Treasurer. An entity for which deposit insurance is required shall not commence operations until the applicant has submitted

Amend  
§ 26-704

## ENROLLED ORIGINAL

evidence that the deposit insurance has been acquired.”.

(B) Paragraphs (3) through (5) are repealed.

(2) Subsection (c) is amended as follows:

(A) The lead-in text is amended to read as follows: “Any authority granted to acquire any District bank holding company or District bank shall be contingent on the review and approval of the Commissioner as provided in this subsection. Upon the filing of a complete application, the following procedures shall apply:”.

(B) Paragraph (1)(B) is repealed.

(C) Paragraph (2) is amended to read as follows:

“(2) The Commissioner shall either approve or disapprove the application and explain the reasons for the decision. The Commissioner shall consider:

“(A) The financial and managerial resources of the bank holding company;

“(B) The future prospects and stability of the subsidiaries of the bank holding company and the bank whose assets or shares the bank holding company seeks to acquire;

“(C) The financial history of the bank holding company or its subsidiary;

“(D) The adequacy of the bank holding company’s community development program; and

“(E) Whether the acquisition may result in undue concentration of resources or substantial decrease of competition in the District.”.

(D) Paragraphs (3) through (5) are repealed.

(E) Paragraph (6) is amended to read as follows:

“(6) The Commissioner shall submit a copy of the approval or disapproval to the Federal Reserve Board.”.

(F) Paragraph (7) is repealed.

(G) A new paragraph (8) is added to read as follows:

“(8) The Commissioner shall submit to the Council:

“(A) A quarterly report of any applications filed or decisions reached by the Commissioner pursuant to this section; and

“(B) An annual report of all actions that the Commissioner takes pursuant to this section.”.

(3) Subsection (d)(3)(M) is amended to read as follows:

“(M) The applicant’s agreement to submit an annual report to the Commissioner and the Council updating any information submitted to the Commissioner with regard to the community development program.”.

(4) Subsection (e)(1) is amended by striking the phrase “or the Council”.

(5) Subsections (f) through (i) are repealed.

(c) Section 7a(d) (D.C. Official Code § 26-706.01(d)) is amended by striking the phrase “and the Council approves, by resolution, the reduction or extension”.

Amend  
§ 26-706.01

#### Sec. 4. Fiscal impact statement

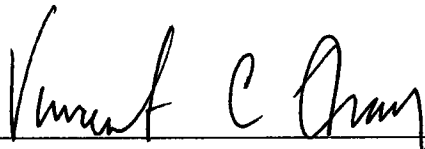
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

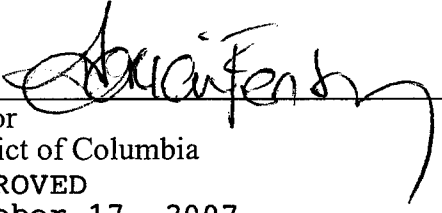


## ENROLLED ORIGINAL

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

  
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Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
October 17, 2007

## ENROLLED ORIGINAL

AN ACT  
D.C. ACT 17-134

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 17, 2007

To order the closing of a portion of 8<sup>th</sup> Street, S. E., between squares 5956 and W-5956 and the portion of a public alley in Square 5956 between the street to be closed and Wheeler Road, S.E., in Ward 8.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act be cited as the "Closing of a Portion of 8<sup>th</sup> Street, S. E., and the Public Alley in Squares 5956 and W-5956, S.O. 05-4555, Act of 2007".

Sec. 2. Pursuant to section 201 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-202.01), the Council finds that the portion of 8<sup>th</sup> Street, S. E., between squares 5956 and W-5956 and the public alley between that portion of 8<sup>th</sup> Street S. E., and Wheeler Road, S.E., as shown on the Surveyor's plat in S.O. 05-4555, are unnecessary for street and alley purposes and orders them closed, with title to the land to vest as shown on the Surveyor's plat. The approval of the Council of this closing is contingent upon the satisfaction of all conditions set forth in the official file S.O. 05-4555.

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the Office of the Surveyor and the Recorder of Deeds.

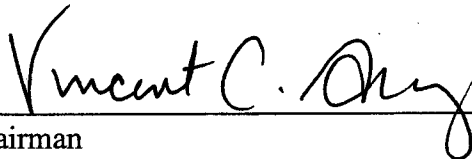
Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat 813; D.C. Official Code § 1-206.02(c)(3)).

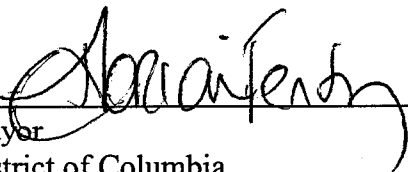
## ENROLLED ORIGINAL

## Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
October 17, 2007

## ENROLLED ORIGINAL

## AN ACT

## D.C. ACT 17-135

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 17, 2007

To order the closing of a portion of the public alley system in Square 163, bounded by Connecticut Avenue, N. W., K Street, N. W., L Street, N. W., and 18<sup>th</sup> Street, N.W., in Ward 2.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of a Portion of a Public Alley in Square 163, S.O. 05-8289, Act of 2007".

Sec. 2. Pursuant to section 201 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-202.01), the Council finds that the portion of the alley system in Square 163, as shown on the Surveyor's plat filed under S.O. 05-8289, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat. The approval of the Council of this closing is contingent upon the satisfaction of all conditions set forth in the official file S.O. 05-8289.

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the Office of the Surveyor and the Recorder of Deeds.

Sec. 4. Fiscal impact statement.

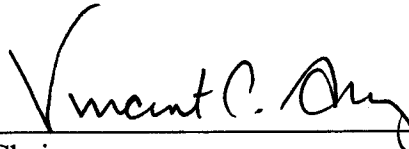
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

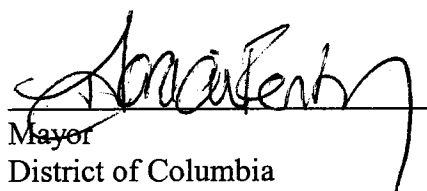
Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

## ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1), and publication in the District of Columbia Register.

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
October 17, 2007

## ENROLLED ORIGINAL

AN ACT  
D.C. ACT 17-136IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
OCTOBER 17, 2007*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2008 Winter  
Supp.West Group  
Publisher

To amend, on an emergency basis, the Establishment of the Office of the Chief Medical Examiner Act of 2000 to authorize the Mayor to waive, until October 1, 2008, the requirement that the Chief Medical Examiner for the District of Columbia be certified in forensic pathology by the American Board of Pathology or be eligible for such certification, and to clarify that a Chief Medical Examiner appointed pursuant to the waiver must meet the requirement by October 1, 2008 to continue to be eligible to hold the office.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Appointment of the Chief Medical Examiner Emergency Amendment Act of 2007".

Sec. 2. Section 2903(c) of the Establishment of the Office of the Chief Medical Examiner Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 5-1402(c)), is amended to read as follows:

Note,  
§ 5-1402

"(c)(1) The CME, the Deputy CME, and any medical examiners appointed pursuant to subsection (b) of this section shall be physicians licensed to practice medicine in the District of Columbia.

"(2) Except as provided in paragraph (3) of this subsection, the CME, the Deputy CME, and any medical examiners appointed after October 19, 2000, shall be certified in forensic pathology by the American Board of Pathology or be eligible for such certification.

"(3) The certification requirement of paragraph (2) of this subsection may be waived by the Mayor until October 1, 2008 for the CME. Any individual appointed as the CME to fill the term beginning on May 1, 2007 and ending on April 30, 2013 pursuant to this waiver shall not be eligible to serve as CME after October 1, 2008, and shall not be eligible to serve in a holdover status, unless he or she meets the certification requirement."

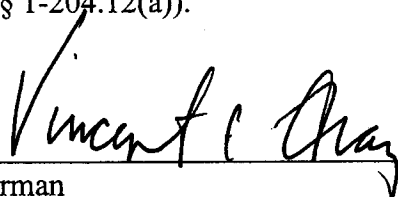
Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

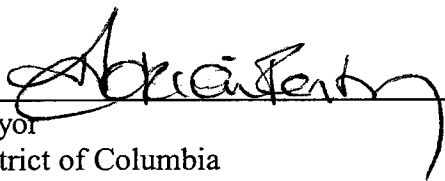
## ENROLLED ORIGINAL

## Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
October 17, 2007

## ENROLLED ORIGINAL

## AN ACT

D.C. ACT 17-137IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
OCTOBER 17, 2007*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2008 Winter  
Supp.West Group  
Publisher

To amend, on an emergency basis, the Health Service Planning Program Re-establishment Act of 1996 to exempt non-hospital-based substance abuse treatment facilities from certificate of need requirements for a period of 2 years.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Health Services Planning Program Re-establishment Emergency Amendment Act of 2007".

Sec. 2. Section 8(b) of the Health Services Planning Program Re-establishment Act of 1996, effective April 9, 1997 (D.C. Law 11-191; D.C. Official Code § 44-407(b)), is amended by adding a new paragraph (14) to read as follows:

Note,  
§ 44-407

"(14) A non-hospital-based substance abuse treatment facility shall be exempt from the certificate of need requirements, but shall continue to be subject to the certification requirements under section 5 of the District of Columbia Substance Abuse Treatment and Prevention Act of 1989, effective March 15, 1990 (D.C. Law 8-80; D.C. Official Code § 44-1204). This exemption shall expire 2 years from the effective date of the Health Services Planning Program Act Amendment Act of 2007, as introduced on January 9, 2007 (D.C. Bill 17-31)."

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206(c)(3)).

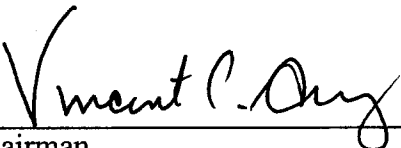
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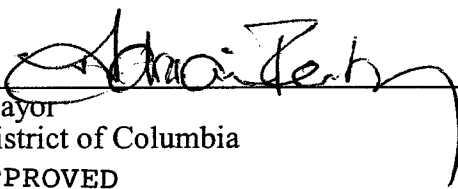
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section



## ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

  
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Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
October 17, 2007

## ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-138

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 17, 2007*Codification  
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2001 Edition

2008 Winter  
Supp.West Group  
Publisher

To amend, on an emergency basis, due to Congressional review, section 28-3911 of the District of Columbia Official Code to increase the maximum amount that may be maintained in the District of Columbia Consumer Protection Fund.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Consumer Protection Fund Congressional Review Emergency Act of 2007".

Sec. 2. Section 28-3911(a) of the District of Columbia Official Code is amended by striking the phrase "\$1,490,000" both times it appears and inserting the phrase "\$3 million" in its place.

*Note,  
§ 28-3911*

Sec. 3 Applicability.

This act shall apply as of September 26, 2007.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

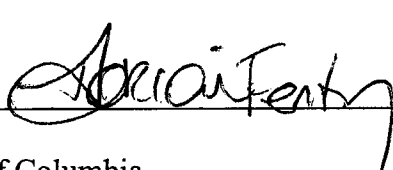
Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

## ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
October 17, 2007

## ENROLLED ORIGINAL

## AN ACT

## D.C. ACT 17-139

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 17, 2007*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2008 Winter  
Supp.West Group  
Publisher

To provide, on an emergency basis, due to Congressional review, for the appointment of a receiver to operate a hospital, to provide the grounds for such an appointment, to establish the process regarding the appointment of a receiver, to establish the powers and duties of a receiver, to provide for the use of hospital revenues during a receivership, to provide for the termination of a receivership, to establish that a court order shall have the effect of a license for the duration of a receivership, and to establish the liability of a receiver and of the District.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Establishment of a Hospital Receivership Congressional Review Emergency Act of 2007".

## Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Emergency" means a situation, physical condition, or one or more practices, methods, or operations that presents imminent danger of death or serious physical or mental harm to a patient, including imminent or actual abandonment of an occupied hospital.

(2) "Habitual violation" means a violation of the standards of health, safety, or patient care established under District or federal law that, due to its repetition, presents a reasonable likelihood of serious physical or mental harm to patients.

(3) "Hospital" means a facility that provides 24-hour inpatient care, including diagnostic, therapeutic, and other health-related care for a variety of physical or mental conditions and may provide outpatient services, such as emergency care.

(4) "Licensee" means a person or other legal entity, other than a receiver appointed pursuant to section 3, that is licensed or required to be licensed to operate a hospital.

(5) "Owner" means the holder of the title to the real estate on which the hospital is maintained.

(6) "Patient" means a person living in or receiving care from a hospital.

(7) "Substantial violation" means a violation of the standards of health, safety,

## ENROLLED ORIGINAL

or patient care established under District or federal law that presents a reasonable likelihood of serious physical or mental harm to patients.

Sec. 3. Appointment of a receiver; grounds; process.

(a) The Mayor may bring an action in the Superior Court of the District of Columbia requesting the appointment of a receiver to operate a hospital.

(b) The following circumstances are grounds for the appointment of a receiver:

(1) A hospital intends to close, but has not arranged for the orderly transfer of patients at least 30 days prior to its closure date;

(2) An emergency, as defined in section 2(1), exists at the hospital; or

(3) A habitual or substantial violation, as defined in section 2(2) and (7), respectively, exists at the hospital.

(c)(1) The court shall hold a hearing no later than 10 days after an action requesting the appointment of a receiver is filed, unless all parties agree to a later date.

(2) Notice of the hearing shall be served on both the owner and the licensee not less than 5 days before the hearing. If either the owner or the licensee cannot be served, the court shall specify the alternative notice to be provided.

(3) The Mayor shall post notice of the hearing, using a court-approved form, in a conspicuous place in the hospital, for not less than 3 days before the hearing.

(4) After the hearing, the court may appoint a receiver if it finds that any one of the grounds for an appointment set forth in subsection (b) of this section has been satisfied.

(d)(1) The court may:

(A) Appoint any person considered appropriate as receiver, except a District employee; and

(B) Remove a receiver for good cause.

(2) The court shall set a reasonable compensation for the receiver, which shall be paid from the revenue of the hospital.

(3) A receiver shall not be considered an agent of the District of Columbia.

Sec. 4. Powers and duties of a receiver.

(a) A receiver appointed pursuant to this act shall have such powers as the court may direct to:

(1) Operate the hospital;

(2) Remedy the conditions that constituted the grounds for the receivership;

(3) Protect the health, safety, and welfare of the patients; and

(4) Preserve the assets and property of the patients, owner, and licensee.

(b) With approval of the court, a receiver shall have the authority to:

(1) Remedy violations of District or federal laws governing the operation of the

## ENROLLED ORIGINAL

hospital;

(2) Hire, direct, manage, and discharge any employee, including the administrator of the hospital;

(3) Receive and expend in a reasonable and prudent manner the revenues of the hospital received by the hospital during the 30-day period preceding the date of his or her appointment and any revenue due thereafter;

(4) Continue the operation of the hospital;

(5) Continue the care of the patients;

(6) Correct and eliminate any deficiency of the hospital that endangers the safety or health of the patients; and

(7) Exercise such additional powers and perform such additional duties, including regular accountings, as the court considers appropriate.

(c)(1) The receiver shall:

(A) Apply the revenues of the hospital to current operating expenses and, subject to subparagraphs (B) and (C) of this paragraph, to debts incurred by the licensee prior to the appointment of the receiver;

(B) Ask the court for direction in the treatment of debts incurred prior to his or her appointment where such debts appear extraordinary, of questionable validity, or unrelated to the normal and expected maintenance and operation of the hospital, or where payment of a debt will interfere with the purposes of the receivership; and

(C) Give priority to expenditures needed for current, direct patient care.

(2)(A) If a receiver does not have sufficient funds to cover expenditures needed to prevent or remove jeopardy to the patients, the receiver may petition the court for permission to borrow non-District funds for this purpose. Notice of the receiver's petition to the court for permission to borrow must be given to the owner, the licensee, and the Mayor.

(B) The court, after a hearing, may authorize the receiver to borrow money upon specified terms of repayment and pledge security, if necessary, if the court determines:

(i) That the hospital should not be closed and that the loan is reasonably necessary to prevent or remove jeopardy; or

(ii) That the hospital should be closed and that the loan is necessary to prevent or remove jeopardy to patients for the limited period of time they are awaiting transfer to another hospital or other facility.

(d) A receiver may not close a hospital without leave of the court. In ruling on the issue of closure, the court shall consider:

(1) The rights and best interests of the patients;

(2) The availability of suitable alternative placements;

(3) The rights, interests, and obligations of the owner and licensee;

(4) The licensure status of the hospital; and

## ENROLLED ORIGINAL

(5) Any other factors the court considers relevant.

(e) The owner and the licensee shall be divested of possession and control of the hospital during the period of receivership, under the conditions the court specifies.

Sec. 5. Court order to have effect of a license.

An order appointing a receiver pursuant to section 3 shall have the effect of a license of operation for the duration of the receivership. The receiver shall be responsible to the court for the conduct of the hospital during the receivership, and a violation of regulations governing the conduct of the hospital, if not promptly corrected, shall be reported to the court.

Sec. 6. Court review and termination of a receivership.

(a) The court shall review the continued necessity of a receivership at least semiannually. (b)(1) The court shall terminate a receivership when it certifies that the conditions that prompted the receivership have been corrected or, in the case of a discontinuance of operation, when the patients are safely relocated.

(2) The court shall not terminate a receivership in favor of the former licensee or of a new licensee, unless the person, or entity, assumes all obligations incurred by the receiver and provides collateral or other assurances of payment considered sufficient by the court.

Sec. 7. Liability of receiver.

No person may bring suit against a receiver appointed pursuant to section 3 without first securing leave of the court. Except in cases of gross negligence or intentional wrongdoing, a receiver shall be liable only for actions taken in his or her official capacity, and any adverse judgment shall be satisfied out of receivership assets.

Sec. 8. Liability of District of Columbia.

The District of Columbia shall not be liable for repayment of funds borrowed by a receiver during the course of the receivership or responsible for any financial obligations of the hospital.

Sec. 9. Fiscal impact statement.

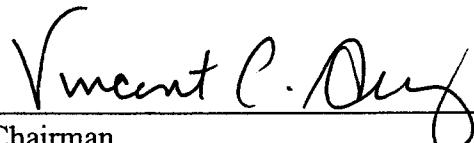
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

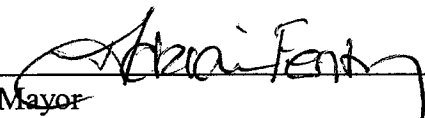
Sec. 10. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

## ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
October 17, 2007



## ENROLLED ORIGINAL

AN ACT  
D.C. ACT 17-140IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
OCTOBER 17, 2007*Codification  
District of  
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To permit, on an emergency basis, due to Congressional review, a student with a medication action plan to possess and self-administer asthma or anaphylaxis medications while at the school in which the student is currently enrolled, at school-sponsored activities, and while on school-sponsored transportation, to require schools to maintain student medical records in an easily accessible location, to prohibit the misuse of self-administered medications, to allow schools to store additional medication for self-administering students, and to authorize the Mayor to promulgate rules to implement the provisions of this act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Student Access to Treatment Congressional Review Emergency Act of 2007".

## Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Medication action plan" means a written medical treatment plan for an individual student with prescription medication that is developed and submitted to a school in accordance with section 4.

(2) "Responsible person" means, in the case of a student under 18 years of age, a parent, legal guardian, legal custodian, foster parent, or other adult charged with the ongoing care and supervision of the student, and in the case of a student 18 years of age or older, the student himself or herself.

(3) "School" means:

(A) Any public school operated under the authority of the Mayor of the District of Columbia; and

(B) Any charter school, parochial school, or private school in the District.

## ENROLLED ORIGINAL

## Sec. 3. Possession and self-administration of medication.

A student may possess and self-administer medication at the school in which the student is currently enrolled, at school-sponsored activities, and while on school-sponsored transportation, to treat asthma, anaphylaxis, or other potentially life-threatening illness; provided, that:

- (1) The responsible person has submitted a valid medication action plan to the school; and
- (2) All other conditions set forth in this act, or in rules promulgated pursuant to this act, are met.

## Sec. 4. Medication action plan.

(a) No student shall possess or self-administer medication at the school in which the student is currently enrolled, at school-sponsored activities, or while on school-sponsored transportation, unless the school has a valid medication action plan for that student.

(b) A valid medication action plan shall include:

(1) Written medical authorization, signed by the student's health practitioner, that states:

- (A) The name of the student;
- (B) Emergency contact information for the responsible person;
- (C) Contact information for the health practitioner;
- (D) The name, purpose, and prescribed dosage of the medication;
- (E) The frequency that the medication is to be administered;
- (F) The possible side effects of the medication;
- (G) Special instructions or emergency procedures; and
- (H) In the case of self-administered medication, confirmation that the

student has been instructed in the proper technique for self-administration of the medication and has demonstrated the ability to self-administer the medication effectively;

(2) Written authorization, signed by the responsible person, that states:

(A) A trained school employee may administer medication to the student in accordance with rules established by the Mayor; or

(B) In the case of self-administration, the student may possess and self-administer the medication at the school in which the student is currently enrolled, at school-sponsored activities, and while on school-sponsored transportation; and

(3) Written acknowledgment that the school and its employees shall incur no liability and that the responsible person shall indemnify and hold harmless the school and its employees against any claims that may arise relating to the administration, general supervision, training, administration, or self-administration of the authorized medication.

(c) Within 30 days of any changes in the student's health that affect the medication action plan, the responsible person shall revise the medication action plan and submit the

## ENROLLED ORIGINAL

amended plan to the school.

(d) The medication action plan shall be updated at least annually, in accordance with a schedule determined by the Mayor.

(e) A school may deny a medication action plan, pursuant to terms established by the Mayor.

Sec. 5. Maintenance of records.

(a) A school shall keep the medication action plan in the school health suite, or other designated, easily accessible location.

(b) A school shall create and maintain a list of students with valid medication action plans, including the emergency contact information for each student. The principal of the school may distribute this list among appropriate school employees.

(c) Each school that has a student with a medication action plan for self-administration may schedule a meeting at the beginning of the school year with the school nurse, the principal, the student, the responsible person, and any other appropriate school staff to review the student's medication action plan. Authorization to possess and self-administer previously approved medication shall not be dependent on having had this meeting.

Sec. 6. Storage of medication.

(a) A school may receive additional medication from the responsible person for a student with a valid medication action plan; provided, that no school shall be required to store more than a 30-school-day supply of medication for any one student.

(b) Additional medication shall be:

(1) Properly stored at the school in a location to which the student has immediate access in case of an emergency; and

(2) Labeled with the name of the student and the name of the medication, including the dosage, the frequency of administration, and the duration of the medication.

Sec. 7. Misuse.

A student who self-administers medication while at school, at a school-sponsored activity, or while on school-sponsored transportation for a purpose other than his or her own authorized treatment may be subject to disciplinary action by the school; provided, that disciplinary action shall not limit or restrict the access of a student to his or her prescribed medication. The school shall promptly notify the responsible person of any disciplinary action imposed.

Sec. 8. Liability waiver.

(a) No school nor any employee or agent of a school shall be held liable for the good-faith performance of responsibilities under this act.

## ENROLLED ORIGINAL

(b) Except as provided in subsection (a) of this section, nothing in this act shall be interpreted to create a cause of action or to increase or diminish the liability of any person.

Sec. 9. Rules.

(a) The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this act.

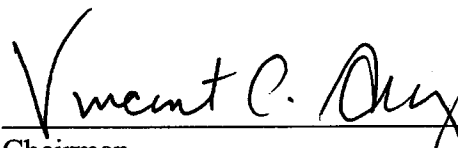
(b) The Mayor may establish, by regulation, additional types of medication a student may self-administer and potentially life-threatening illnesses for which a student may self-administer medication other than those provided in this act.

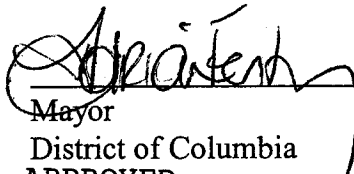
Sec. 10. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 11. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
October 17, 2007

**DISTRICT OF COLUMBIA REGISTER OF THE DISTRICT OF COLUMBIA** **ENROLLED ORIGINAL**  
**OFFICE OF THE BUDGET DIRECTOR** **FISCAL IMPACT STATEMENT**

Bill Number:	Type: Emergency (X ) Temporary (X ) Permanent ( )	Date Reported: 7/3/07
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Subject/Short Title: "Student Access to Treatment Emergency Act of 2007" and "Student Access to Treatment Temporary Act of 2007"

**Part I. Summary of the Fiscal Estimates of the Bill**

- |  | YES | NO  |
|--|-----|-----|
| 1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet). | ( ) | (X) |
| a) It will affect local expenditures.  | ( ) | (X) |
| b) It will affect federal expenditures.  | ( ) | (X) |
| c) It will affect private/other expenditures.  | ( ) | (X) |
| d) It will affect intra-District expenditures.   | ( ) | (X) |
| 2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).  | ( ) | (X) |
| a) It will impact local revenue.   | ( ) | (X) |
| b) It will impact federal revenue.   | ( ) | (X) |
| c) It will impact private/other revenue.   | ( ) | (X) |
| d) It will impact intra-District revenue.  | ( ) | (X) |
| 3. The bill will have NO or minimal fiscal impact. (If "Yes," explain below).                | (X) | ( ) |

**Explanation:**

The legislation will have minimal fiscal impact upon all schools within the District through the minor administrative burden of storing the medication action plan and medication in the school health suite, or other designated, easily accessible location. The school is not responsible for the development of the medication action plan or purchase of medication, and will therefore not incur any other cost.

**Part II. Other Impact of the Bill**

If you check "Yes" for each question, please explain on separate sheet, if necessary.

- |  | YES | NO  |
|--|-----|-----|
| 1. It will affect an agency and/or agencies in the District.                                   | (X) | ( ) |
| 2. Are there performance measures/output for this bill?  | ( ) | (X) |
| 3. Will it have results/outcome, i.e., what would happen if this bill is not enacted?          | ( ) | (X) |
| 4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year? | ( ) | (X) |

**Explanation:**

See above.

Sources of information:	Councilmember: Catania
	Staff Person & Tel: Genee Unger, 724-8061
	Council Budget Director's Signature: <i>Eric J. Holt</i> 7/3/07

## ENROLLED ORIGINAL

AN ACT  
D.C. ACT 17-141IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
OCTOBER 17, 2007*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2008 Winter  
Supp.West Group  
Publisher

To approve, on an emergency basis, due to Congressional review, the disposition of the Skyland Shopping Center pursuant to a negotiated sale in conformity with an exclusive rights agreement between RLA Revitalization Corporation and Skyland Holdings, LLC.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Disposition of the Skyland Shopping Center Site Congressional Review Emergency Approval Act of 2007".

Sec. 2. Notwithstanding sections 8(b)(2) and 30a(b)(3) of the National Capital Revitalization Corporation Act of 1998, effective September 11, 1998 (D.C. Law 12-144; D.C. Official Code §§ 2-1219.07(b)(2) and 2-1219.31(b)(3)), the Council approves the disposition of the Skyland Shopping Center site by the RLA Revitalization Corporation pursuant to a negotiated sale in conformity with an exclusive rights agreement ("ERA") entered into between the RLA Revitalization Corporation and Skyland Holdings, LLC, on July 2, 2007, subject to Council approval of the land disposition agreement pursuant to section 3, and contingent upon provisions being added to the ERA requiring:

- (1) That priority shall be given to residents of Wards 7 and 8 for 20% of the housing created on the redeveloped Skyland Shopping Center site; and
- (2) That priority shall be given to Ward 7 and 8 businesses for 20% of the contracts and procurements for the redevelopment of the Skyland Shopping Center site.

Sec. 3. Council approval of land disposition agreement.

The Mayor shall submit to the Council a proposed resolution to approve the land disposition agreement negotiated based on the terms set forth in section 2 ("LDA Resolution"), along with a copy of the land disposition agreement, for a 45-day review period. If the Council does not approve or disapprove the LDA Resolution within the 45-day review period, the LDA Resolution shall be deemed approved.

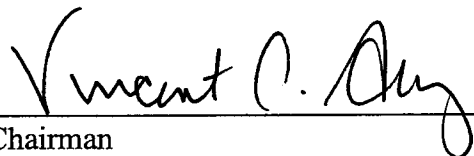
## ENROLLED ORIGINAL

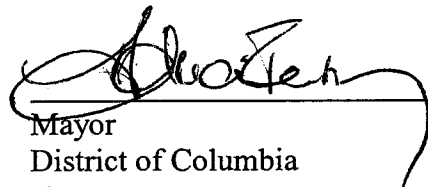
## Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

## Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
October 17, 2007

## ENROLLED ORIGINAL

## AN ACT

## D.C. ACT 17-142

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 17, 2007*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2008 Winter  
Supp.West Group  
Publisher

To prohibit, on an emergency basis, due to Congressional review, commercial tour buses, except tour buses used for government purposes, within the Capitol Hill Historic District, except on identified arterial roads.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Capitol Hill Historic District Protection Congressional Review Emergency Act of 2007".

Sec. 2. Within 7 days of August 2, 2007, the Mayor shall issue regulations that prohibit commercial tour buses, except tour buses used for government purposes, in the Capitol Hill Historic District, with the exception of the following roads:

- (1) Pennsylvania Avenue, S.E., between 2<sup>nd</sup> Street, S.E., and 13<sup>th</sup> Street, S.E.;
- (2) Maryland Avenue, N.E., between 2<sup>nd</sup> Street, N. E., and 11<sup>th</sup> Street, N.E.;
- (3) Massachusetts Avenue, N.E., between 2<sup>nd</sup> Street, N.E., and East Capitol Street;
- (4) Massachusetts Avenue, S.E., between East Capitol Street and 14<sup>th</sup> Street, S.E.; and
- (5) Independence Avenue, S.E., between 2<sup>nd</sup> Street, S.E., and 14<sup>th</sup> Street, S.E.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

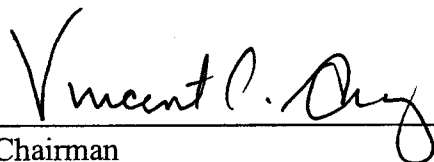
Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

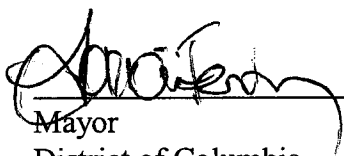


## ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;  
D.C. Official Code § 1-204.12(a)).



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
October 17, 2007

## ENROLLED ORIGINAL

## AN ACT

## D.C. ACT 17-143

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 17, 2007Codification  
District of  
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To amend, on an emergency basis, the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to allow District of Columbia government employees who serve in the reserve units of the United States Armed Forces and who have been called or will be called to active duty as a result of Operation Enduring Freedom, or in preparation for or as a result of Operation Iraqi Freedom, to receive a pay differential.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Operation Enduring Freedom and Operation Iraqi Freedom Active Duty Pay Differential Extension Emergency Amendment Act of 2007".

Sec. 2. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

(a) Section 1103(a) (D.C. Official Code § 1-611.03(a)) is amended by adding a new paragraph (7) to read as follows:

Note,  
§ 1-611.03

"(7)(A) Any full-time permanent, term, or TAPER District government employee who serves in a reserve component of the United States Armed Forces and who has been or will be called to active duty as a result of Operation Enduring Freedom, or in preparation for or as a result of Operation Iraqi Freedom, shall receive, upon application and approval, an amount that equals the difference in compensation between the employee's District government basic pay and the employee's basic military pay. This amount shall not be considered as basic pay for any purpose. This amount shall be paid for any period following the formal inception of Operation Enduring Freedom in 2001, any period following the beginning of the preparation for Operation Iraqi Freedom in 2002 and 2003, or for any period following the formal inception of Operation Iraqi Freedom in 2003, during which the employee is carried in a non-pay status, from the time the employee is called to active duty until the employee is released from active duty occasioned by any of these military conflicts.

"(B) The Mayor shall issue rules to implement the provisions of this paragraph."

(b) Section 1111(d) (D.C. Official Code § 1-611.11(d)) is amended by striking the phrase "and (6)" and inserting the phrase "and (7)" in its place.

Note,  
§ 1-611.11

Sec. 3. Applicability.

This act shall apply as of October 17, 2007.

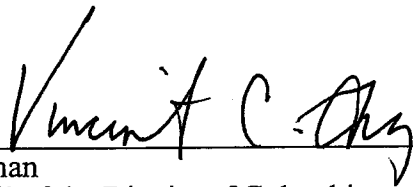
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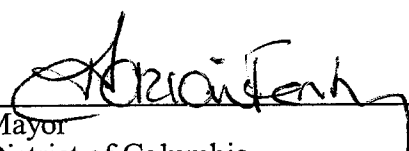
## Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

## Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
October 17, 2007

## ENROLLED ORIGINAL

## AN ACT

## D.C. ACT 17-144

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
OCTOBER 17, 2007*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2008 Winter  
Supp.West Group  
Publisher

To amend, on an emergency basis, due to Congressional review, section 25-336 of the District of Columbia Official Code to clarify that the exemption from the alcohol retailer's license prohibition in a residential use district shall apply if, at the time the application for a new license is submitted to the Alcoholic Beverage Control Board, a license of the same class is operating an establishment within 400 feet of the applicant.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Retail Class Exemption Clarification Congressional Review Emergency Act of 2007".

Sec. 2. Section 25-336(c) of the District of Columbia Official Code is amended by striking the phrase "type and".

Note,  
§ 25-336

## Sec. 3. Applicability.

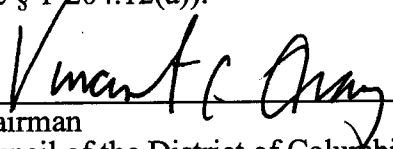
This act shall apply as of October 7, 2007.

## Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

## Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia

APPROVED

October 17, 2007

Codification District of Columbia Official Code, 2001 Edition

West Group Publisher, 1-800-328-9378.

## ENROLLED ORIGINAL

AN ACT  
D.C. ACT 17-145IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
OCTOBER 17, 2007*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2008 Winter  
Supp.West Group  
Publisher

To amend, on an emergency basis, Title 47 of the District of Columbia Official Code to provide that the owner of a property that is receiving erroneously the homestead deduction and senior/disabled real property tax relief has a duty to inform the Chief Financial Officer, that the benefits and those available to low-income property owners shall be rescinded prospectively on the sale of real property to a non-qualifying purchaser, and that a former owner that received the benefits shall be personally liable for the amount of benefits improperly received.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Real Property Tax Benefits Revision Emergency Act of 2007".

Sec. 2. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-845.02(m) is amended by adding 2 new sentences to read as follows:

Note,  
§ 47-845.02

"Any tax certificate shall indicate whether the real property is receiving the deferral under this section and the amount of deferred real property tax, interest thereon, and penalties. If a tax certificate does not contain the foregoing information, the eligible owner, and not the real property, shall be personally liable for the amount of deferred real property tax, interest thereon, and penalties."

(b) Section 47-845.03(o) is amended by adding 2 new sentences to read as follows:

Note,  
§ 47-845.03

"Any tax certificate shall indicate whether the real property is receiving the deferral under this section and the amount of deferred real property tax, interest thereon, and penalties. If a tax certificate does not contain the foregoing information, the eligible owner, and not the real property, shall be personally liable for the amount of deferred real property tax, interest thereon, and penalties."

(c) Section 47-850.02 is amended as follows:

Note,  
§ 47-850.02

(1) Subsection (b) is amended as follows:

(A) Paragraph (1) is amended by striking the word "applicant" wherever it appears and inserting the phrase "applicant (or current owner if there is no applicant)" in its place.

## ENROLLED ORIGINAL

(B) Paragraphs (4) and (5) are amended by striking the phrase “(for which notification is required under this subsection)”.

(C) A new paragraph (6) is added to read as follows:

“(6) Notwithstanding the rescission of the deduction pursuant to paragraphs (4) and (5) of this subsection, if all of the applicant’s ownership interest in the real property is transferred to a new owner, shareholder, or member who does not apply or qualify for the deduction, the real property shall be entitled to the apportioned amount of the deduction applicable to the installment payable during the half tax year during which the ownership interest was transferred. At the end of such half tax year, the deduction shall cease. If the applicant purchases another real property or interest in a housing cooperative for which he or she shall make application for the deduction, and the application and purchase occurs during the same half tax year when the transfer occurred, §§ 47-850(d), 47-850.01(b), and 47-850.04 shall not apply to the extent that both real properties may benefit from the deduction during that half tax year and, thereafter, only the newly purchased real property or housing cooperative in which the applicant acquired newly an interest shall benefit from the applicant’s deduction. Notwithstanding the foregoing, a real property shall not benefit from more than one deduction in any half tax year; provided, that in the case of a housing cooperative, the real property shall not benefit from more than one deduction related to a dwelling unit in any half tax year.”.

(2) Subsection (c)(1) is amended as follows:

(A) Strike the word "applicant" the first time it appears and insert the phrase "applicant or former owner, and not the real property" in its place.

(B) Strike the word "applicant" the second time it appears and insert the phrase "applicant or former owner" in its place.

(d) Section 47-850.03 is amended by striking the phrase “47-850.01” and inserting the phrase “and for the credit provided in § 47-864” in its place.

(e) Section 47-863 is amended as follows:

(1) Subsection (f) is amended as follows:

(A) Paragraph (1) is amended by striking the word “applicant” wherever it appears and inserting the phrase “applicant (or former owner if there is no applicant)” in its place.

(B) Paragraphs (4) and (5) are amended by striking the phrase “(for which notification is required under this subsection)”.

(C) A new paragraph (6) is added to read as follows:

“(6) Notwithstanding the rescissions of the deduction pursuant to paragraphs (4) and (5) of this subsection, if the applicant’s required ownership interest in the real property is transferred to a new owner, shareholder, or member who does not apply or qualify for the deduction, the real property shall nevertheless be entitled to the apportioned amount of the deduction applicable to the installment payable during the half tax year during which such ownership interest was transferred. At the end of the half tax year, the deduction shall cease. If

Note,  
§ 47-850.03  
Note,  
§ 47-863

## ENROLLED ORIGINAL

the applicant purchases another real property or interest in a housing cooperative for which he or she shall make application for the deduction, and the application and purchase occurs during the same half tax year when the transfer occurred, subsections (i) and (j) of this section shall not apply to the extent that both real properties may benefit from the deduction during that half tax year and, thereafter, only the newly purchased real property or housing cooperative in which the applicant acquired newly an interest shall benefit from the applicant's deduction.

Notwithstanding the foregoing, a real property shall not benefit from more than one deduction in any half tax year; provided, that in the case of a housing cooperative, the real property shall not benefit from more than one deduction related to an eligible household in any half tax year."

(2) Subsection (g)(1) is amended as follows:

(A) Strike the word "applicant" the first time it appears and insert the phrase "applicant or former owner, and not the real property" in its place.

(B) Strike the word "applicant" the second time it appears and insert the phrase "applicant or former owner" in its place.

(3) Subsection (l) is amended by striking the word "decrease" and inserting the word "deduction" in its place.

(f) Section 47-864.01 is amended as follows:

Note,  
§ 47-864.01

(1) A new subsection (c-1) is added to read as follows:

"(c-1) Notwithstanding any other provision of this section, if the entire interest in the real property is transferred to a new owner, and the real property no longer qualifies as a homestead pursuant to § 42-850 or § 47-851, the real property shall be entitled to the credit applicable to the installment payable during the half tax year during which the ownership interest was transferred. At the end of the half tax year, the deduction shall cease."

(2) Subsection (d)(3) is amended striking the word "back" and inserting the phrase "back, except as set forth in subsection (c-1) of this section" in its place.

### Sec. 3. Applicability.

(a) Section 2(c)(1)(A) and (B), 2(c)(2), 2(e)(1)(A) and (B), and 2(e)(2) shall apply for tax years beginning after September 30, 2001.

(b) Section 2(c)(1)(C) and 2(e)(1)(C) shall apply as of January 2, 2007.

### Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

### Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than

**COUNCIL OF THE DISTRICT OF COLUMBIA****OFFICE OF THE BUDGET DIRECTOR - COUNCIL FISCAL IMPACT STATEMENT**Legislative Number:Short Title: Real Property Tax Benefits Clarification Emergency Act of 2007Type: ☐ Permanent ☒ Emergency/Temporary ☐ AmendmentVersion: ☐ Introduced ☐ Committee Print ☐ Engrossed ☒ Emergency  
☐ Committee Print (Draft) ☐ Com. Print (Amended) ☐ Enrolled ☐ TemporaryFISCAL IMPACT SUMMARY☒ Implementation of this legislation has no impact on spending or revenue.☐ Implementation of this legislation has the following costs within the budget and financial plan:

FY 2007	FY 2008	FY 2009	FY 2010	4-Year Total

(Dollars in Thousands)


☐ Funds sufficient to implement this legislation are appropriated within the current budget and four-year financial plan.☐ This legislation will become effective subject to future funding being included within a budget and four-year financial plan.☐ Funds are not available to support the fiscal effect of this legislation. This legislation does not meet the requirements of Council Rule 443(c).ANALYSIS OF IMPACT ON SPENDINGAgency/Department(s) that will be affected:☐ None ☒ This legislation will impact spending.Office of the Budget Director Analysis:

This legislation amends the real property tax homestead and senior/disabled deduction provisions to make the recission of the homestead and senior/disabled benefits *effective on the first day* of the billing cycle of the following half tax year in the limited instance where a property is transferred to a non-homesteader or non-senior. Under current law, the retroactive recission is effective back to the first day of the half tax year when the property was transferred. Such retroactive recission makes pro-rating taxes at settlement very difficult because the settlement company must escrow significant funds pending the finalization of the tax bill by the Office of Tax and Revenue during the next billing cycle. This legislation will have a *de minimus* fiscal impact by extending the Homestead deduction until the end of the six month period, which will be offset by the Office of Tax and Revenue being better able to focus enforcement efforts on fraud that is occurring within the Homestead deduction program.



Legislative Number:

Council Fiscal Impact Statement - Page 2 of 2

Short Title: Real Property Tax Benefits Clarification Emergency Act of 2007**ANALYSIS OF IMPACT ON REVENUE**☒ None ☐ This legislation will impact revenue.Office of the Budget Director Analysis:**SOURCES OF INFORMATION**Requesting Councilmember(s): EvansDate of Request: September 28, 2007Council Budget Director's Signature:  
Eric J. Goulet9/28/07  
Date Reported

Office of the Budget Director  
Council of the District of Columbia  
1350 Pennsylvania Avenue, NW  
Suite 508  
Washington, DC 20004-3003

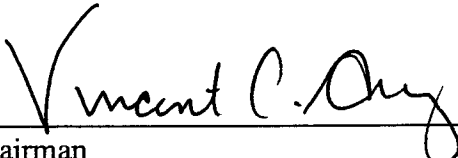
Phone: (202) 724-8139

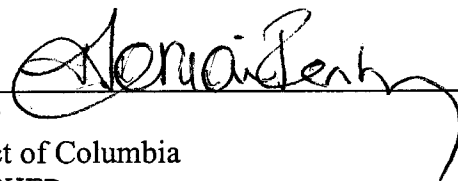
Fax: (202) 724-7819

Form Revised: March 19, 2007

## ENROLLED ORIGINAL

90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
October 17, 2007

## ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-146

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 17, 2007*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2008 Winter  
Supp.West Group  
Publisher

To amend, on an emergency basis, section 47-4403 of the District of Columbia Official Code to allow the Office of Tax and Revenue to enter into a closing agreement for any taxable period.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing Agreement Emergency Act of 2007".

Sec. 2. Section 47-4403 of the District of Columbia Official Code is amended by striking the phrase "for a period ending before the date of the agreement" and inserting the phrase "for any taxable period" in its place.

Note,  
§ 47-4403

Sec. 3. Fiscal impact statement.

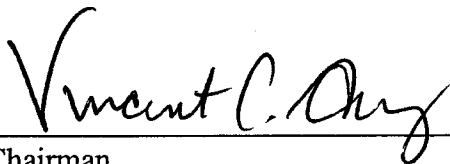
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

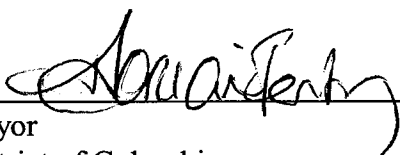
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;  
D.C. Official Code § 1-204.12(a)).



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
October 17, 2007

## ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-147

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 17, 2007*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2008 Winter  
Supp.West Group  
Publisher

To amend, on an emergency basis, section 47-3503(c)(5) of the District of Columbia Official Code to delay implementation by one tax year of the owner-occupant residential tax credit to real properties that were under the lower income homeownership cooperative housing association 5-year exemption, to clarify that to receive the credit there must be continuous ownership, and to clarify that no credits will be granted for tax years prior to Tax Year 2007.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Lower Income Homeownership Cooperative Housing Association Re-Clarification Emergency Act of 2007".

Sec. 2. Section 47-3503(c)(5) of the District of Columbia Official Code is amended as follows:

*Note,  
§ 47-3503*

(a) The existing text is designated as subparagraph (A).

(b) A new subparagraph (B) is added to read as follows:

"(B) The application of subparagraph (A) of this paragraph shall be limited as follows:

"(i) The credit under § 47-864.01 that may result for the tax year beginning October 1, 2006 shall be nonrefundable and shall be applied to the real property tax owed for the tax year beginning October 1, 2007, and thereafter.

"(ii) No credit under § 47-864.01 shall be allowed for a tax year prior to the tax year beginning October 1, 2006.

"(iii) Subparagraph (A) of this paragraph shall not apply if the ownership has not been continuous from the date that the exemption provided by this subsection has been validly in effect."

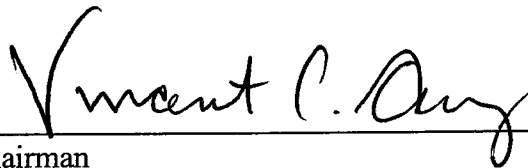
## ENROLLED ORIGINAL

## Sec. 3. Fiscal impact statement.

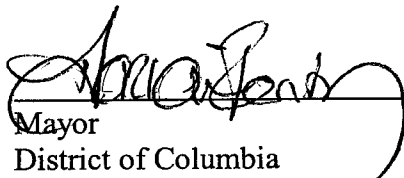
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

## Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
October 17, 2007

## ENROLLED ORIGINAL

AN ACT  
D.C. ACT 17-148IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
OCTOBER 17, 2007*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2008 Winter  
Supp.West Group  
Publisher

To amend, on an emergency basis, the Office of Administrative Hearings Establishment Act of 2001 to permit the Rent Administrator, and those persons exercising authority delegated by the Rent Administrator, to retain authority to issue final orders in cases in which they have held evidentiary hearings before October 1, 2006.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Rent Administrator Hearing Authority Emergency Amendment Act of 2007".

Sec. 2. Section 6(b-1)(1) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03(b-1)(1)), is amended as follows:

*Note,  
§ 2-1831.03*

- (a) The existing language is designated as subparagraph (A).
- (b) A new subparagraph (B) is added to read as follows:

"(B) Notwithstanding subparagraph (A) of this paragraph, the Rent Administrator, or any employee or other person to whom authority has been delegated by the Rent Administrator, may issue a final order in any case in which an evidentiary hearing was conducted before October 1, 2006, but in which no final order was issued before that date, and may rule upon any post-hearing motion, including a motion for reconsideration."

Sec. 3. Fiscal impact statement.

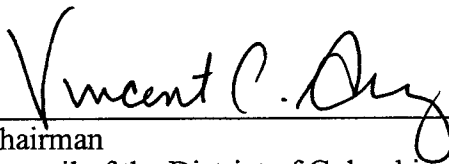
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

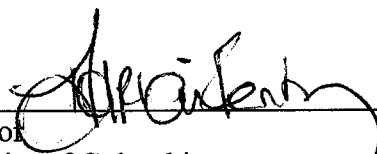
Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

## ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;  
D.C. Official Code § 1-204.12(a)).

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
October 17, 2007



**COUNCIL OF THE DISTRICT OF COLUMBIA****OFFICE OF THE BUDGET DIRECTOR - COUNCIL FISCAL IMPACT STATEMENT**Legislative Number:Short Title: Rent Administrator Hearing Authority Emergency/Temporary Act of 2007Type: ☐ Permanent ☒ Emergency/Temporary ☐ AmendmentVersion: ☐ Introduced ☐ Committee Print ☐ Engrossed ☒ Emergency  
☐ Committee Print (Draft) ☐ Com. Print (Amended) ☐ Enrolled ☒ Temporary**FISCAL IMPACT SUMMARY**☒ Implementation of this legislation has no impact on spending or revenue.☐ Implementation of this legislation has the following costs within the budget and financial plan:

FY 2008	FY 2009	FY 2010	FY 2011	4-Year Total

*(Dollars in Thousands)*

- ☐ Funds sufficient to implement this legislation are appropriated within the current budget and four-year financial plan.
- ☐ This legislation will become effective subject to future funding being included within a budget and four-year financial plan.
- ☐ Funds are not available to support the fiscal effect of this legislation. This legislation does not meet the requirements of Council Rule 443(c).

**ANALYSIS OF IMPACT ON SPENDING**Agency/Department(s) that will be affected: Rent Administrator, Office of Administrative Hearings☒ None ☐ This legislation will impact spending.**Office of the Budget Director Analysis:**

The authority to hold hearings and issue decisions on administrative hearings arising under the Rental Housing Act of 1985 was transferred to the Office of Administrative Hearings on October 1, 2006. This legislation allows the Rent Administrator to retain authority for cases that have had hearings and are awaiting issuance of a final order and retain that authority throughout the period of appeal. This legislation has no additional cost to the District and may save funds by not requiring parties to re-hear cases.

Legislative Number:

Council Fiscal Impact Statement - Page 2 of 2

Short Title: Rent Administrator Hearing Authority Emergency/Temporary Act of 2007**ANALYSIS OF IMPACT ON REVENUE**☒ None ☐ This legislation will impact revenue.Office of the Budget Director Analysis:**SOURCES OF INFORMATION**Requesting Councilmember(s): Marion BarryDate of Request: 9/28/07Council Budget Director's Signature:  
Eric J. Goulet10-1-07  
Date Reported

Office of the Budget Director  
Council of the District of Columbia  
1350 Pennsylvania Avenue, NW  
Suite 508  
Washington, DC 20004-3003

Phone: (202) 724-8139  
Fax: (202) 724-7819

Form Revised: March 19, 2007